



Frequently Asked Questions About the New Proposed Designation of Critical Habitat for the coastal California Gnatcatcher

Q. What is critical habitat?

A term defined in the Endangered Species Act, critical habitat refers to specific areas that are essential for the conservation of a threatened or endangered species and that may require special management consideration or protection. Critical habitat areas are determined using the best available scientific and commercial information about the physical and biological needs of the species.

These needs include:

- P space for individual and population growth, and for normal behavior;
- P food, water, light, air, minerals or other nutritional or physiological needs;
- P cover or shelter;
- P sites for breeding, reproduction, and rearing of offspring; and
- P habitat that is protected from disturbance or is representative of the historical geographic and ecological distribution of a species.

Q. What are the primary habitat components essential to the conservation of the coastal California gnatcatcher?

In the United States, the coastal California gnatcatcher is found in areas that are 3,000 feet or less in elevation, and that contain suitable habitat. The habitat primarily used by the coastal California gnatcatcher is broadly defined as sage scrub. There are various types of sage scrub habitats, including Riversidean, Diegan, maritime succulent, Riversidean alluvial fan, southern coastal bluff, and coastal sage-chaparral scrub. California gnatcatchers rely on these vegetation communities for breeding, feeding, nesting, rearing their young, and genetic exchange. Types of plants that are found in these various sage scrub communities include: Viguiera lacinata (San Diego sunflower), Mimulus aurantiacus (bush monkeyflower), Rhus integrifolia (lemonadeberry), Euphorbia misera (cliff spurge), Baccharis pilularis (coyote bush), and Lotus scoparius (deerweed).

Coastal California gnatcatchers may also use chaparral, grassland, and riparian habitats that are in proximity to sage scrub habitats. The species uses non-sage scrub habitats for dispersal and foraging. During times of drought, these areas may be essential for dispersal, foraging and nesting.

Although some juvenile coastal California gnatcatchers have been documented dispersing from a nest site to another location up to 14 miles away, the species generally disperses shorter distances across contiguous, undisturbed habitat (approximately 2 miles). In some cases, the species does rely on open space and weedy areas that provide a suitable corridor for movement between areas of sage scrub habitats, and some of these areas may be used for foraging during the summer drought when sage scrub dries out. Examples of vegetation found in open space or weedy areas include: Brassica sp. (wild mustard), Salix sp. (willow), Tamarix sp. (salt cedar), and annual grasses.

Q. What about the recent scientific study that questions the validity of the coastal California gnatcatcher subspecies?

A recent scientific paper by Roger Zink, George Barrowclough, Jonathan Atwood, and Rachelle Blackwell-Rago presents results of genetic research on the California gnatcatcher based on mitochondrial DNA analysis, which appears to question the validity of the coastal California gnatcatcher subspecies.

We are considering whether to list the U.S. population of the California gnatcatcher species (*Poliophtila californica*) as a District Population Segment (DPS) and are seeking public review and comment on this proposal. Our proposal would not alter the protections that are currently in place for the coastal California gnatcatcher subspecies.

Q. Why is the Service re-proposing critical habitat for the coastal California gnatcatcher?

In compliance with a Court order, the Service published a final rule in the Federal Register on Oct. 24, 2000, designating approximately 513,650 acres of land as critical habitat for the coastal California gnatcatcher. Following publication of the final rule, several lawsuits were filed challenging various aspects of the designation, including the adequacy of the economic analysis. The Service subsequently requested permission to prepare a new economic analysis. The Court granted its request and established a new deadline by a new, final designation of critical habitat and accompanying economic analysis must be published.

The Service is now proposing to designate critical habitat on approximately 495,795 acres in the California counties of Ventura, Los Angeles, Orange, San Diego, Riverside and San Bernardino. Areas proposed as critical habitat are considered essential to the conservation of the coastal California gnatcatcher because they support populations of the species, or provide one or more of the primary constituent elements necessary for the species' life cycle needs. Additionally, some areas may be included in the proposal that temporarily lack one or more of the primary constituent elements because of fire. But these areas are expected to provide habitat elements in the future.

Areas that were designated as critical habitat in the Service's 2000 final rule will retain their designation until a new, revised final critical habitat designation becomes effective.

Q. Why are some lands in Ventura County now being proposed as critical habitat when no such lands were proposed or designated previously?

Following the first critical habitat designation for the coastal California gnatcatcher, new data shows that an important breeding population is present in the Moorpark area in Ventura County. Additional coastal California gnatcatcher observations from Moorpark east into Simi Valley and the San Fernando Valley now link the breeding population in Moorpark with a breeding population within the original critical habitat area in Santa Clarita. Connecting these observations and including all suitable habitat within that area, we believe we have proposed for critical habitat an area that supports the northernmost population of breeding coastal California gnatcatchers. Peripheral populations have exceptional importance in a species' recovery, and by adding this new area, we can provide for the conservation of essential habitat for populations at the periphery of the species' range.

Q. Is critical habitat being proposed on lands that are covered by approved Habitat Conservation Plans?

No. We considered but are not proposing critical habitat on lands within the boundaries of approved Habitat Conservation Plans (HCP) that provide coverage for the coastal California

gnatcatcher.

Q. Are military lands being proposed as critical habitat?

Yes, some lands managed by the Department of Defense (DoD) are included as proposed critical habitat. Lands within the boundaries of Fallbrook Naval Weapons Annex, and non-training areas and lands leased to the State or private entities on Marine Corps Base, Camp Pendleton are being proposed as critical habitat.

Q. What about Marine Corps Base, Camp Pendleton and Marine Corps Air Station, Miramar?

For reasons relating to national security, the Service is not proposing any critical habitat within mission-essential training areas on Camp Pendleton. We also considered but are not proposing critical habitat on lands within the Marine Corps Air Station at Miramar because these lands are covered by an Integrated Natural Resource Management Plan (INRMP) that addresses the conservation needs of the coastal California gnatcatcher.

Q. Is critical habitat being proposed on Tribal lands?

No. The Service considered but is not proposing to designate critical habitat on lands of the Pala Band of Mission Indians.

Q. Will the public be given an opportunity to comment on areas that were not proposed as critical habitat (i.e., military lands, Tribal lands, lands within HCPs)?

Yes. Maps showing areas essential to the conservation of the coastal California gnatcatcher overlaid with Tribal lands, mission-essential training areas on Camp Pendleton, and lands within the boundaries of approved regional HCPs will be available for public review and comment. The maps may be viewed on our website at <http://carlsbad.fws.gov>.

Q. How did the Service determine what areas qualify as critical habitat for the coastal California gnatcatcher?

To identify areas essential to the conservation of the coastal California gnatcatcher, the Service used a variety of commercial and scientific resources, as follows: (1) data from research and survey observations published in peer reviewed articles; (2) regional Geographic Information System (GIS) coverages; (3) lands identified as essential to the California gnatcatcher that are in reserve, preserve, or other conservation areas with the San Diego County Multiple Species Conservation Program (MSCP), the North San Diego County Multiple Habitat Conservation Program (MHCP), and the North County Subarea of the MSCP for Unincorporated San Diego County; (4) data collected from reports submitted by permitted biologists; and (5) a spatial habitat model developed by the Service and tested in Orange and San Diego counties to determine the likelihood of gnatcatcher occurrences in a variety of habitats.

The Service also evaluated areas where ongoing HCP planning efforts have identified habitat for the coastal California gnatcatcher, and used this information in conjunction with data regarding the species' occurrences, sage scrub vegetation, elevation, and connectivity to identify lands essential for the conservation of the species within planning area boundaries.

In mapping the proposed critical habitat boundaries, the Service tried to avoid developed areas, such as towns and other similar lands, that are unlikely to contribute to coastal California gnatcatcher conservation. However, the Service was unable to exclude all developed areas that do

not contain one or more of the habitat components essential to the conservation of the coastal California gnatcatcher.

If you would like to find out if your property is included in the proposed critical habitat boundaries, please contact the Carlsbad Fish and Wildlife Office at the address below to schedule an appointment to view a detailed GIS map.

Q. Does the designation of critical habitat create preserves?

No. A critical habitat designation does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands and will not result in closure of the area to all access or use.

Q. My private property is included in the proposed critical habitat boundaries, what happens now?

The proposed designation of critical habitat does not affect private, local, county, or State landowners unless they are undertaking a project on their land that requires Federal funding, permits, or authorization. Critical habitat does not require landowners to carry out any special management actions, nor does it restrict the use of their land. However, because the coastal California gnatcatcher is listed as a threatened species under the Act, individuals are prohibited from engaging in unauthorized activities that will harm the species.

If a project that requires Federal funding, permitting, or authorization is planned in an area proposed as critical habitat, and if the agency determines that the project may affect the coastal California gnatcatcher or its proposed critical habitat, then the agency responsible for providing the funds or permit would have to conference with the Service.

Q. What is a conference?

If an action being undertaken, funded, or permitted by a Federal agency may affect the proposed critical habitat for the coastal California gnatcatcher the agency would have to conference with the Service to ensure the action will not adversely modify proposed critical habitat. At the conclusion of a conference, the Service issues a conference report or a conference opinion. A conference report contains recommendations the Federal action agency should take to reduce adverse effects on the species' proposed critical habitat.

A conference opinion includes recommendations to avoid adverse modification of proposed critical habitat, but does not provide incidental take coverage. Once critical habitat is designated, a conference opinion may be adopted by the Service as a biological opinion if it is determined that action will not adversely modify critical habitat.

Although conference reports and conference opinions are only advisory, the implementation of the recommendations can avert potential future conflicts once critical habitat is actually designated.

Q. What if my land was included in the final designation of critical habitat in 2000, but is not in the current proposal?

Lands that were designated as critical habitat on Oct. 24, 2000 (65 FR 63680) are still in effect. If a project that requires Federal funding, permitting, or authorization is being planned in an area previously designated as critical habitat for the coastal California gnatcatcher, then a consultation

with the Service will be required to ensure the action will not jeopardize the species or adversely modify critical habitat.

When a final designation of critical habitat becomes effective, the previously identified critical habitat areas will be superseded by the new, final designation.

Q. Will the public be given an opportunity to comment on proposed critical habitat for the coastal California gnatcatcher?

Yes. The Service wants to ensure that any final action resulting from this proposal is as accurate and as effective as possible. The Service is actively soliciting comments or suggestions from the public, other government agencies, the scientific community, industry representatives, and any other interested party. In particular, The Service are seeking comments regarding:

- (1) The reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act, including whether the benefits of designation will outweigh any threats to the species due to designation;
- (2) Specific information on the amount and distribution of coastal California gnatcatcher habitat, and what habitat is essential to the conservation of the species and why;
- (3) Land use practices and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;
- (4) The Service's determination to not propose critical habitat on mission-essential training areas on Camp Pendleton, Tribal lands, or reserve lands within the boundaries of the San Diego Multiple Species Conservation Program and the Orange County Central-Coastal Natural Communities Conservation Program; and (a) whether or not these lands are essential, (b) if these areas warrant exclusion, and (c) the basis for not proposing these areas as critical habitat;
- (5) Any foreseeable economic or other impacts resulting from the proposed designation of critical habitat, in particular, any impacts on small entities or families; and
- (6) Economic and other values associated with designating critical habitat for the coastal California gnatcatcher, such as those derived from non-consumptive uses (e.g., hiking, camping, enhanced watershed protection, improved air quality, increased soil retention, "existence values," and reductions in administrative costs);
- (7) The benefits of including or excluding military lands covered by an adequate INRMP;
- (8) Whether the California gnatcatcher qualifies as a DPS north of the U.S./Mexico border;
- (9) Threats to the continued existence of the coastal California gnatcatcher; and
- (10) Information regarding the status of existing populations in the United States and Mexico.

Written comments and information on the proposed designation of critical habitat for the coastal California gnatcatcher will be accepted through June 23, 2003, and should be sent to Field Supervisor, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92009. Requests for a public hearing must be submitted to the Carlsbad office and received by June 9, 2003.

Comments may also be submitted by electronic mail (e-mail). You may e-mail comments on the proposed rule to fw1cfwocagn@r1.fws.gov. Please submit e-mail comments in ASCII file format and avoid the use of special characters or encryption. Please also include "Attn: RIN 1018-AI72" in the subject line of your message and your name and address in the body of your message. If you do not receive a confirmation from the system that we received your message, contact the Carlsbad Fish and Wildlife Office directly at 760/431-9440.

All comments received, either written or oral, are given equal weight and will be considered during the decision-making process. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the Carlsbad Fish and Wildlife Office.